

Message

**From:** CN=Judy Smith/OU=R10/O=USEPA/C=US [CN=Judy Smith/OU=R10/O=USEPA/C=US]  
**Sent:** 12/11/2012 12:48:32 AM  
**To:** CN=Tami Fordham/OU=R10/O=USEPA/C=US@EPA;CN=Richard Parkin/OU=R10/O=USEPA/C=US@EPA;Eckman.Sheila@epa.gov; N=Richard Parkin/OU=R10/O=USEPA/C=US@EPA;Eckman.Sheila@epa.gov; ckman.Sheila@epa.gov  
**Subject:** Draft response to student - Fw: Interview Questions: Pebble Mine process  
**Attachments:** EPA\_to\_PLP\_Shively\_11-22-11.pdf; R10-12-001-0043FinalResponseEdgmon.pdf; fact\_sheet\_may2012.pdf; February 2011 Outline For the Assessment; May 2011 Assessment Update; February 2012 Assessment Update

Public summaries that may be helpful in answering these questions:

February 2011 Outline For the Assessment

May 2011 Assessment Update

February 2012 Assessment Update

May 2012 Guide to the Assessment -

Hi Tami,

I appreciate you taking the time to help me out with this. Like I said, email responses likely will suffice, unless you feel you need to explain an answer over the phone, or have any clarifying questions for me. The time frame for my project is semi-flexible, however I would greatly appreciate a response by December 10 at the latest. Again, I realize that this is a busy time for you guys, and as I am a Bristol Bay commercial fishermen myself, I greatly appreciate the work the EPA is doing on this project!

Sincerely,

Molly

Here are the questions:

1. The following is a quote from the portion of the peer review of the EPA's watershed assessment written by John D. Stednick, Ph.D.: "The Pebble Limited Partnership has a large Environmental Baseline Database [Environmental Baseline Study, released February 2012], that does not appear to be cited or used. Justification for the inclusion or exclusion of these data should be made." Did the EPA use any of the data collected by the Pebble Limited Partnership in the creation of the BB Watershed assessment? Why or why not?

EPA used Pebble data. However, the Pebble environmental baseline data was not released until work on the assessment was well underway and the data was not provided in a format that EPA could use to verify or query the data. The attached letter between EPA and PLP from November 2011 provides an example of information exchange between EPA and PLP.

2. The study area that falls under consideration for possible effects and impacts of a large scale open pit mine on the Bristol Bay watershed is massive. How thorough and scientific could the EPA assessment have been if it was conducted in only a few months? The document has been criticized by the opposition for being a rushed effort; what was the EPA's motivation for finishing the study so quickly, when the Pebble Partnership likely will not put forward official plans for Pebble Mine until next year at the earliest? EPA's watershed assessment was initiated in response to petitions received from nine Bristol Bay tribes and others in July 2010 as well as petitions from four other tribes and others who favored no EPA action until after the permitting process was complete. Completing a watershed assessment was a course of action that was responsive to both types of requests. EPA's work is a general assessment of large-scale mining on salmon ecosystems of Bristol Bay and is not specific to plans being formed by the Pebble Limited Partnership.

3. Given the fact that a significant portion of the people who live in the Bristol Bay Area are busy with seasonal preparation and other fishing-related activities during the summer, do you think that the timing of the public comment period last summer had any significant effects on the outcome of the comments received on the watershed assessment? Additionally, the EPA denied a request for the extension of the public comment period to allow more people to be able to weigh in on the draft assessment. Why was the request denied?

The attached letter was sent all parties who provided input to EPA (both for and against) regarding extending the public comment period:

4. If the 404 c is issued, the Pebble Partnership has said that they, along with the State will likely sue the EPA. Granted, it is my understanding that all 13 previous 404 c processes have resulted in a lawsuit, which advanced to the Supreme Court who ultimately upheld the decision. However, do you think the argument that the EPA acted prematurely – before any official plans for the mine were made public – could affect the outcome of a potential lawsuit to overturn or uphold a veto ruling?

The Bristol Bay watershed assessment is not a regulatory action and EPA will not speculate on the likelihood that a 404 (c) authority will be needed.

5. How was the EPA's peer review process different from the Keystone review process of the Pebble Partnership's Environmental Baseline Study which took place earlier this year?

The Keystone science panels are tasked with reviewing the Pebble Partnership's Environmental Baseline Data. EPA peer reviewers were tasked with evaluating the scientific and technical merit of the EPA watershed assessment.